REMARKS

The Examiner has issued a restriction requirement in the above-captioned patent application under 35 U.S.C. §§ 121 and 372, indicating the following groups of inventions:

Group I including claims 25, 41, 44, 45 and 47-49 (for SEQ ID NO: 1);
Group II including claims 25, 41, 44, 45 and 47-49 (for SEQ ID NO: 2);
Group III including claims 26-28, 42, 43, 46 and 50 (for SEQ ID NO: 1);
Group IV including claims 26-28, 42, 43, 46 and 50 (for SEQ ID NO: 2);
Group V including claims 29 and 51 (for SEQ ID NO: 1);
Group VI including claims 29 and 51 (for SEQ ID NO: 2);
Group VII including claims 30, 31 and 35 (for SEQ ID NO: 1);
Group VIII including claims 30, 31 and 35 (for SEQ ID NO: 2);
Group IX including claims 32-34 (for SEQ ID NO: 1);
Group X including claims 32-34 (for SEQ ID NO: 2);
Group XI including claims 36, 37 and 40 (for SEQ ID NO: 1);
Group XII including claims 36, 37 and 40 (for SEQ ID NO: 2);
Group XIII including claim 38 (for SEQ ID NO: 1);
Group XIV including claim 38 (for SEQ ID NO: 2);
Group XV including claim 39 (for SEQ ID NO: 1);
Group XVI including claim 39 (for SEQ ID NO: 2).

The Examiner contends that the groups of inventions defined by the delineated Groups I-XVI "are not so linked as to form a single general inventive concept under PCT Rule 13.1." Specifically, the Examiner alleges that the inventions listed as Groups I-XVI do not relate to a single general inventive concept under PCT Rule 13.2 because the special technical feature recited in claim 25, a polypeptide of the sequence ILLWQPIPV, is taught by WO 94/020127 A1. Applicant elects Group XIII, including claim 38, with traverse pursuant to 37 C.F.R. § 1.143. Applicant requests rejoinder of Groups I, V, VII, IX, and XV, with XIII.

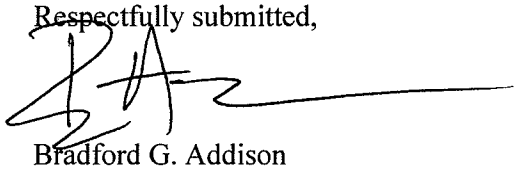
Applicants have canceled claims 35-37, 40, and 43-46. Applicants have also added new claims 52-56. Finally, Applicants have amended claim 25 to delete SEQ ID NO: 1. Accordingly, Applicants have also amended claims 29, 32, 38, 41, and 47 in independent form. Applicants do not believe that any new matter has been introduced by way of these amendments.

The Examiner has based the restriction requirement of claims reciting SEQ ID NO: 1 upon the disclosure of WO 94/020127. The Examiner asserts that restriction is proper in the instant application because a special technical feature is lacking in the restricted Groups. However, the reference relied upon by the Examiner merely lists SEQ ID NO: 1 in its TABLE 25 along with more than 200 additional peptide sequences. Moreover, SEQ ID NO: 1, derived from prostatic acid phosphatase, is listed in Table 25 lumped together with fragments from a myriad other unrelated peptides derived from, for example, cytomegalovirus, influenza A virus, hepatitis B virus, hepatitis C virus, human immunodeficiency virus, human papilloma virus, lymphocytic choriomeningitis virus, melanoma antigens, Cerb-2, and protein 53. No other teaching is provided by WO 94/020127 that is sufficient to enable any uses of these hundreds of peptide fragments.

As amended, Applicants do not believe that any of the instant claims of Groups I, V, VII, IX, and XV lack novelty over WO 94/020127. Therefore, in accordance with PCT Rule 13.2, all of those claims are linked by a novel special technical feature. Since the claims as amended are thus linked to form a single general inventive concept as required by PCT Rule 13.1, Applicants respectfully request rejoinder of Groups I, V, VII, IX, and XV with the elected Group XIII for examination.

Pursuant to the amendments made herein, Applicants believe that the instant claims are in condition for allowance; accordingly, Applicants request that the Examiner pass the instant application to issue.

Respectfully submitted,



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